Table of Contents

IAB FO# 2241550

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-00417-5100-145	Date: 3/29/09		Time: 2130 hrs.
Location: 441 Bauchet Street		City or Station: Los Angeles	
Bureau/Station/Facility: Men's Central Jail		Admin. Investigation: YES ☐ NO ☒	
Type of Force: Significant: Broken Orbital Bone			
Deputy Injury : YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☐ Call	☐ Observation	☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Ault	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee # [redacted]	Last Name: Ortega	First Name: David	Middle Name: R.
Sex: ☒ Male ☐ Female	Race: Hispanic	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): Recreation Deputy
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5'9 / Weight: 170
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: Hispanic	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): Movement Deputy
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5'10 / Weight: 170
☒ Injured ☐ Treated ☐ Admitted	Hospital: None Reported	Coroner Case #	Directed Force ☐ Significant Force ☒

E3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: Hispanic	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 3000 Prowler #3
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6'0 / Weight: 220
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☒ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Diviak	Anna	M.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hinchman	Shawnee	N.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	M.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Benjamin Garcia, IAB | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 9 - 0 0 4 1 7 - 5 1 0 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	Hispanic	Men's Central Jail	36/38 Prowler/Movement

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	5'9	185

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
009-00417-5100-145

Suspect Information

S 1

Last Name: Jolly	First Name: Michael	Middle Name: Jerome
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female	Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]

Work Phone: [redacted]	Home Phone: [redacted]	Age: 21	Height: 6'1	D.O.B. 06/14/87	Weight: 165	Armed? ☐

Booking #: 1781509 Primary Charge Code: 69 P.C Secondary Charge Code: 211 P.C. Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: L.A. City Rescue Unit: Rescue #4 Phone #: Unknown`

Hospital Admission? ☒ Rec'd Treatment At: L.CM.C. Coroner Case #: ______ Mental History ☐

By Doctor: Alemari Address: 1200 N. State Street, L.A., 90033 Phone #: 323/226-4563

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

0 0 9 - 0 0 4 1 7 - 5 1 0 0 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Ortega	E#1	Jolly	S#1	PH	AB, FR	FA
[redacted]	E#2	Jolly	S#1	PH, OC	CP	BK, FA
[redacted]	E#3	Jolly	S#1	PH, FL, RH	NN	BK
[redacted]	E#4	Jolly	S#1	FL, RH	NN	AK
[redacted]	E#5	Jolly	S#1	HB	NN	AK

Force Applied

Incident Details

INMATE JOLLY WAS INVOLVED IN A PHYSICAL ALTERCATION WHEN HE RESISTED DEPUTIES EFFORTS TO HANDCUFF HIM. JOLLY REFUSED TO BE HANDCUFFED AND LUNGED AT DEPUTY ORTEGA IN A FIGHTING STANCE WITH BOTH FIST CLENCHED. ORTEGA, FEARING FOR HIS SAFETY, PERFORMED A TAKE DOWN TECHNIQUE ON JOLLY, CAUSING JOLLY TO STRIKE THE RIGHT SIDE OF HIS FACE ON THE FLOOR. WHILE ON THE FLOOR, JOLLY CONTINUED TO IGNORED ORTEGA'S COMMANDS TO PLACE HIS HANDS BEHIND HIS BACK AS JOLLY ATTEMPTED TO PUSH HIMSELF OFF THE FLOOR. TO GAIN JOLLY'S COMPLIANCE, ORTEGA PUNCHED JOLLY SEVERAL TIMES ON BOTH SIDES OF HIS FACE AND BODY. JOLLY RESPONDED BY LAYING ON HIS STOMACH WITH HIS HANDS TUCKED UNDERNEATH HIS BODY WHILE ATTEMPTING TO KICK AT ORTEGA.

DEPUTY [redacted] RESPONDED TO ORTEGA'S LOCATION AID DELIVERED SEVERAL PUNCHED TO JOLLY'S UPPER AND LOWER BACK AS JOLLY REFUSED TO COMPLY WITH THEIR ORDERS. [redacted] DELIVERED A SHORT BURST OF FREEZE + P SPRAY TO JOLLY'S FACIAL AREA, BUT IT HAD NO AFFECT. DEPUTIES [redacted] AND [redacted] RESPONDED TO THE LOCATION, AND BOTH OBSERVED JOLLY'S ATTEMPTS TO KICK AT ORTEGA AND [redacted] [redacted] STRUCK JOLLY APPROXIMATELY FOUR TIMES ON HIS RIGHT RIB AREA WITH HIS FLASHLIGHT AS HE ORDERED JOLLY TO STOP KICKING. DEPUTY [redacted] STRUCK JOLLY'S ANKLES WITH HIS FLASHLIGHT IN AN ATTEMPT TO STOP JOLLY FROM KICKING AT THE DEPUTIES.

THE DEPUTIES WERE SUBSEQUENTLY ABLE TO HANDCUFF JOLLY BY FORCING HIS HANDS BEHIND HIS BACK. HE WAS HOBBLED BY DEP. [redacted] AT THE DIRECTION OF SGT. DIVIAK.

JOLLY SUSTAINED SEVERAL CONTUSIONS TO BOTH EYES, MULTIPLE BRUISING THROUGHOUT HIS TORSO AND ABRASIONS TO HIS LEFT ANKLE AND LEFT KNEE. HE WAS TRANSPORTED TO LCMC AND ADMITTED FOR EYE SURGERY.

Report Use of Force by Involved Employee(s)

Witness Interview(s)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE

FO2241550

INCIDENT: Use of Force; Take Down/Personal Weapons/Impact Weapons/ O.C. Spray

DATE / TIME: March 29, 2009, Sunday, 2130 hours

LOCATION: Men's Central Jail, Modules 3600/3800

URN#: 009-00417-5100-145

INVOLVED PERSONNEL: All sworn personnel were assigned to Men's Central Jail at the time of the incident:

1. [redacted] #[redacted]
2. [redacted] #[redacted]
3. David Ortega #[redacted]
4. [redacted]

INVOLVED INMATE: Inmate was housed at MCJ in Module 3800, Row D, Cell 12:

1. Michael Jolly Bk.#1781509

SYNOPSIS:

Inmate Jolly was involved in a physical altercation when he resisted deputies efforts to handcuff him and he suffered a broken right orbital that required hospitalization a LCMC. Deputy Ortega had ordered the inmate to submit to a cursory search but refused and took a combative stance with his fist raised to his chest area. The inmate lunged to within two feet of Ortega without throwing a punch. Ortega, fearing for his safety, performed a take

down technique by grabbing the inmate's right hand with his right hand and placing his left hand on the inmate's right shoulder. Ortega rotated to his right while pushing the inmate to the floor. The inmate landed face down on the floor with his hands underneath his stomach area.

Deputy Ortega attempted to keep the inmate on the ground by placing his body weight on the inmate's back while bending over him. The inmate resisted Ortega's effort and attempted to stand by pushing up with his left hand and attempting to get into a kneeling position. The inmate ignored Ortega's commands to stop resisting and to place his hands behind his back. To gain the inmate's compliance, Ortega punched the inmate several times on both sides of his face and body. The inmate responded by laying on his stomach with his hands tucked underneath his body while attempting to kick at Ortega.

Deputy [redacted] responded to Ortega's location and delivered several punches to the inmate's upper and lower back as the inmate refused to comply with their orders to stop fighting. [redacted] delivered a short burst of Freeze+P Spray to the inmate's facial area, but it had no affect.

Deputies [redacted] and [redacted] responded to the location and observed the inmate's attempts to kick at Ortega and [redacted] struck the inmate approximately four times with his flashlight on the right rib cage area as he ordered the inmate to stop fighting. [redacted] struck the inmate' ankles with his flashlight in an attempt to stop the inmate from kicking at the deputies.

The deputies were subsequently able to handcuff the inmate by forcing his hands behind his back. After being handcuffed, the inmate continued to kick at the deputies which resulted in the inmate's being hobbled by Deputy [redacted] at the direction of Sergeant Anna Diviak.

The inmate suffered contusions to both eyes, broken bone to his right orbital, multiple bruising throughout his torso, and abrasions to his left ankle and knee. He was transported to LCMC and admitted for possible surgery to his right eye. He was returned to MCJ on April 1, 2009, after the inmate refused surgery.

Deputy [redacted] suffered a slight right hand strain and missed one day of work.

No criminal charges were filed because the inmate was transferred to state prison on his arrest charge of robbery on May 4, 2009.

IAB INVESTIGATION:

According to **Witness Deputy David Ortega**, he was assisting module deputies with pill call operations and was stand outside the security cages of 3600/3800 modules directing inmates back to their assigned cells. While at his post, he observed Inmate Jolly acting "suspicious and abnormal [Exhibit A]" while returning back from receiving his medication. Ortega described that Jolly was moving his hands in peculiar manner inside his pockets and refused to look at Ortega when he was directed back to his cell. Ortega stated inmates are known to pass weapons and/or contraband during pill call.

Ortega stated that based on his suspicious actions, he decided to follow Jolly to his upstairs housing location in order to conduct a cursory search. As they reached the top of the staircase, eight feet from the security cage, Ortega ordered Jolly to face the wall so that he could conduct his search. Jolly refused to face the wall and stated, "Fuck you! I didn't do nothing wrong." Jolly was approximately five feet away from Ortega when he took a combative stance by placing his fist up by his chest and lunged at Ortega without striking out at Ortega.

Ortega indicated the inmate ended up approximately two feet in front of Ortega, at which time, in self defense, he took Jolly to the ground, face down. Jolly struck the right side of his face on the floor with his hands underneath his body. He ordered Jolly several times to place his hands behind his back as he pushed down on Jolly's back in order to prevent him from standing. Jolly refused to comply with Ortega's orders and attempted to push himself up with his clinched fist, which concerned Ortega that Jolly might have a possible weapon. He indicated his hands were by his mid section as he attempted to push himself up.

Ortega stated that based on Jolly's actions, and to gain his compliance, he punched Jolly seven to eight times on his upper back and facial area. He used both fist to strike Jolly, approximately three, of the seven punches, landing on Jolly's facial area. These punches had no affect on Jolly's aggressive behavior and continued to ignore his orders to cooperate. At this point, from his face down laying position, Jolly attempted to kick at Ortega, but missed. Ortega responded by punching Jolly in the facial area approximately five times with both fists in an attempt to control the situation. It was at this point the sounds of other deputies responding to his location could be heard and Jolly appeared to reduce his resistence toward Ortega.

Ortega indicated that Witness Deputy [redacted] responded within twenty seconds from the beginning of his altercation with Jolly. Upon [redacted] arrival, Jolly was still refusing to place his hands behind his back from underneath his body as Jolly continued to resist and

kick at both deputies. [redacted] sprayed Jolly's facial area with Freeze Plus which had no affect on Jolly. Ortega was joined by Witness Deputies [redacted] and [redacted] who attempted to take control of Jolly's lower extremities. [redacted] and [redacted] were able to handcuff Jolly, but he continued to kick at the deputies. Sergeant Diviak arrived along with Deputy [redacted] and she ordered [redacted] to hobble Jolly's legs.

Jolly was taken to the MCJ clinic where he was treated for his injuries. Ortega stated that he did not see [redacted] or [redacted] strike Jolly during the incident and estimated the entire incident last approximately 45 seconds.

According to **Witness Deputy** [redacted] he responded from the 3000 hallway based on sounds of a fight coming from the second floor of module 3600/3800. As he reached the second floor he saw Ortega struggling to keep Inmate Jolly on the floor as Ortega was yelling to the inmate to stop fighting. Jolly was face down as Ortega was pushing down on the inmate's torso in order to prevent Jolly from standing. Jolly ignored Ortega's commands and attempted to push himself off the floor with his hands.

[redacted] indicated he struck Jolly approximately five times on his back with his right fist when Jolly failed to stop fighting, but his blows had no affect on Jolly's behavior. Jolly then began to kick at both deputies in an attempt to keep them away from him. [redacted] responded by attempting to control Jolly's feet as Ortega continued to push down Jolly's upper torso. Due to his combative behavior, [redacted] struck Jolly again approximately three times on Jolly's lower back with his right fist. This again had no affect on Jolly and he continued with combative behavior.

[redacted] stated he and Ortega were joined by Deputies [redacted] and [redacted] These deputies also gave Jolly orders to stop fighting but he refused. At this point Jolly was pushing up with his left hand while he kept his right hand clinched which concerned [redacted] that Jolly might have a potential weapon. [redacted] gave Jolly specific orders to open his right fist, but he refused. Based on Jolly's behavior, [redacted] struck Jolly with his right fist on approximately three times on his upper back in order to gain compliance and again this had no affect on Jolly.

[redacted] indicated he sprayed Jolly's facial area with Freeze-Plus P spray in a three to four second burst. This also had no affect on Jolly's resisted and combative behavior. [redacted] blocked several of Jolly's kicks with his arms. [redacted] was able to gain control of Jolly's right arm while [redacted] took control of Jolly's left arm. He was subsequently handcuffed by these deputies. He does not recall Jolly being hobbled, but did recall the arrival of Sergeant Diviak.

Luviano stated he did not see Ortega, [redacted] or [redacted] strike Jolly during the incident.

He added he did not use any type of impact weapon on Jolly during the incident.

According to **Witness Deputy** [redacted] he was on the 3000 floor during the inmate's pill call for modules 3600/3800. During this period he heard the sound of a loud scuffle coming from inside the module and a deputy yelling "stop fighting." He and Deputy [redacted] responded toward the source of the disturbance which was on the second floor of Module 3600/3800 in front of module 3800.

As [redacted] arrived, he saw Deputies Ortega and [redacted] were on top of Inmate Jolly's back attempting to prevent him from standing Both deputies were ordering Jolly to stop fighting but he ignored their commands. Due to Jolly's behavior, [redacted] struck Jolly's lower back and right rib area with his right fist while ordering him to stop fighting. This had no affect on Jolly as he continued to attempt to push himself off the floor and kicked at deputies.

[redacted] stated he observed Jolly's right hand was clenched as if he had a potential weapon. Based on his observation and Jolly's behavior, [redacted] took out his flashlight and struck Jolly approximately four times in the right rib area while giving him commands to open his right hand. Jolly failed to comply and was sprayed with Freeze Plus P on his facial area by [redacted] then grabbed Jolly's right hand and pulled it onto Jolly's back while [redacted] secured his left hand and he was handcuffed. Jolly continued to kick at deputies after he was handcuffed. Jolly's legs were hobbled by Deputy [redacted] at the direction of Sergeant Diviak which prevented Jolly from kicking at the deputies.

[redacted] stated he did not see any other deputy strike Jolly with either personal or impact weapons during the incident.

According to **Witness Deputy** [redacted] he responded to Ortega's location when he heard verbal commands being given to stop fighting that were coming from Modules 3600/3800. Upon his arrival he saw deputies Ortega and [redacted] on the floor struggling with inmate Jolly. Jolly was face down on the floor with Ortega pushing down on his back while [redacted] was below Jolly's torso attempting to control Jolly's legs. Jolly was attempting to kick at [redacted] while also attempting to push himself off the floor.

[redacted] indicated he ordered Jolly to place his hands behind his back , but Jolly ignored him and continued his efforts to stand and kick at [redacted] In an effort to gain compliance, he struck Jolly with his flashlight less than five times on Jolly's left and right ankles. Jolly reacted by attempting to kick at [redacted] and in self-defense [redacted] responded by placing his left knee on Jolly's upper back. From this position, [redacted] was able to gain control of Jolly's left hand as [redacted] gained control of Jolly's right hand. They subsequently handcuffed Jolly, but he continued to kick at deputies. Under the direction of

Sergeant Diviak, Jolly's legs were hobbled.

[redacted] stated he did not see any deputy use any personal or impact weapons on Jolly during the incident.

Inmate Jolly was not interview because he was transferred to Wasco State Prison on May 4, 2009.

ADDITIONAL INFORMATION:

Please refer to Exhibit G for the involved deputies training record information

Please refer to Exhibit H for the involved custody record information.

Please refer to Exhibit I for the involved inmate criminal history records.